



North Carolina Department of Environment and Natural Resources  
Division of Marine Fisheries

Michael F. Easley, Governor  
William G. Ross, Jr., Secretary

Preston P. Pate, Jr., Director

September 8, 2003

Chris Yates, Acting Chief  
Marine Mammal Conservation Division, Att.: ZMRG  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Yates:

The North Carolina Division of Marine Fisheries provides comments as follows on the Advanced Notice of Proposed Rulemaking for Authorization for Commercial Fisheries under the Marine Mammal Protection Act of 1972; Zero Mortality Rate Goal, dated July 9, 2003.

While we feel that a zero mortality rate for any marine species is largely unrealistic and unachievable, we do support reducing marine mammal mortality to levels that are as low as practicable and economically feasible. We support the concept of Zero Mortality Rate Goal (ZMRG), provided that the levels of incidental mortality and serious injury that may be established serve as goals and not compliance thresholds for mortality reduction.

We recommend that Option 1, 10 percent of Potential Biological Removal (PBR), be used for estimation of Insignificance Threshold ( $T_{ins}$ ) because of its direct link to PBR. However, we are concerned that this option may result in greater precautions than necessary for protection of some endangered species. We therefore recommend that this option contain a provision similar to that found in Option 2 where  $T_{ins} = PBR$  for endangered species.

We recommend Option 2, Incorporate Available Technology and Economic Feasibility into an Initial Assessment of whether or not fisheries had achieved ZMRG. We feel that Option 2 provides more flexibility for adjusting ZMRG through the incorporation of existing or future technologies.

We also recommend that there be a more detailed explanation or discussion of the three options for estimating  $T_{ins}$  and whether or not other options were considered and/or rejected. Under the second option for Incorporation of Available Technology and Economic Feasibility, the actions that may be taken under this option should be explained in more detail.

Thank you for the opportunity to provide comments on defining Zero Mortality Rate Goal. Please feel free to contact me or Fentress Munden, Special Assistant for Councils, at 252-726-7021 if you desire additional information regarding our comments.

Yours truly,

Preston P. Pate, Jr.  
Fisheries Director

bl:FHM:PPP

cc: Thomas Eagle